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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Efrain Danilo Mendez a/k/a Efrain D. Mendez-Rivera,
Aldraily Alberto Coiscou, Fernando Molina a/k/a Jorge Luis
Flores Larios, Siryi Nayrobik Melendez, Rene Alexander
Oliva, Juan Flores Larios and Ramiro Cordova, individually
and on behalf of all others similarly situated,

Case No. 12-CV-05583 (SIL)

Plaintiffs,

- against -

U.S. Nonwovens Corp., Samuel Mehdizadeh a/k/a Solomon
Mehdizadeh, Shervin Mehdizadeh, and Rody Mehdizadeh,

Defendants.
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**NOTICE OF MOTION FOR FINAL APPROVAL OF
CLASS AND COLLECTIVE ACTION SETTLEMENT**

For the reasons set forth in the Memorandum of Law in Support of Plaintiffs' Motion for Final Approval of Class and Collective Action Settlement and in the Declaration of Steven J. Moser in Support thereof, the Plaintiffs respectfully request that the Court issue an Order:

1. Finally certify the following class under Fed. R. Civ. P. 23(e), for settlement purposes only ("Settlement Class"):

all non-exempt workers employed by USN in the State of New York at any time from November 14, 2006 to the date of preliminary approval of this Agreement who were not paid a spread-of-hours premium pursuant to 12 NYCRR § 142-2.4.

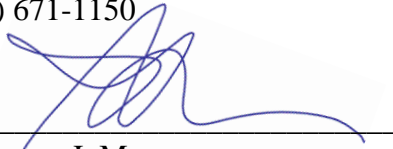
2. Certifying an FLSA collective consisting of all class members who, by endorsing, depositing, or cashing their settlement check, thereby opt-in to the FLSA collective;

3. Granting final approval of the Class and Collective Action Settlement Agreement;
4. Awarding \$10,000 to each of the seven class representatives as compensation for their service on behalf of the class;
5. Approving administration costs and fees in the amount of \$25,000.00 to be paid to the claims administrator, Settlement Services, Inc. (SSI);
6. Approving Settlement Class Counsel's application for attorneys' fees of one-third of the total settlement amount (\$400,000.00), as well as out of pocket litigation expenses in the amount of \$10,000.00.
7. Directing U.S. Nonwovens Corp., including such entity's parents, subsidiaries, affiliates, shareholders, officers, directors, members, employees, agents (USN) to make the following payments within 30 days of the Court's final approval order:
 - a. The settlement administration costs approved by the Court to SSI;
 - b. The amounts necessary to fund the Settlement Payments to the Qualified Claimants and Service Awards approved by the Court to SSI;
 - c. The attorneys' fees and costs approved by the Court to Settlement Class Counsel;
8. Directing the parties and the claims administrator to abide by the terms of the Class and Collective Action Settlement Agreement,
9. Dismissing this case in its entirety with prejudice and without attorneys' fees or costs to any party except as provided in the Class and Collective Action Settlement Agreement; and retaining jurisdiction over this action with respect to the interpretation and implementation of the Class and Collective Action Settlement Agreement.

Prior to the fairness hearing the Parties will submit a proposed final order for the Court's convenience.


Dated: Huntington, New York
March 23, 2021

Respectfully submitted,
MOSER LAW FIRM, P.C.
CLASS COUNSEL
5 East Main Street
Huntington, New York 11743
(516) 671-1150

By: 
Steven J. Moser

Respectfully submitted,
MOSER LAW FIRM, P.C.

CLASS COUNSEL



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